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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,623	02/08/2002	Gerold Tebbe	021007	3227
22876	7590	04/09/2004	EXAMINER	
FACTOR & LAKE, LTD 1327 W. WASHINGTON BLVD. SUITE 5G/H CHICAGO, IL 60607			FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/072,623	TEBBE, GEROLD <i>M</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marissa L Ferguson	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 January 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) 2 and 6 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-5,7,8 and 10-22 is/are rejected.  
 7) Claim(s) 9 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/17/03</u> .	6) <input type="checkbox"/> Other: _____

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-5,7,8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitaker et al. (US Patent 3,578,482) in view of Tiemann (US 3,915,087).

Regarding claims 1 and 13, Whitaker et al. teaches a method of printing a material containing an ink or liquid containing a bonding agent (Abstract, Column 2, Lines 33-53 and Column 3, Lines 30-38) and microcapsules, the microcapsules enclosing one or more active substances selected from the group consisting of moisture absorbing agents, skin-cure agents, medicaments, nutritional supplements, vitamins, perspiration formation or decomposition inhibiting substances, temperature-stabilizing materials and aromatic substances (Column 3, Lines 30-38). However, Whitaker et al. does not explicitly disclose a method of printing a textile material in sections using at least one printing stencil with one or more inks. Tiemann teaches a method comprising a cylindrical circulating screen printing stencil supplied with an ink that is brought into contact with a textile material, characterized in that a printing stencil is a screen printing stencil (Abstract, Column 1, Lines 50-54, and see elements 11-13 and 112-113).

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Whitaker et al. to include a method of printing on a textile material with cylindrical screen stencils as taught by Tiemann, since Tiemann teaches improving and extending the practicability of screen printing without limiting the quality of the resulting impression (Column 3, Lines 62-64).

Regarding claims 3 and 4, Whitaker et al. teaches a method wherein the microcapsules comprise a wall material that is stable with respect to the bonding agent (Column 2, Lines 33-68) and wherein the bonding agent and the wall material are chemically related (Column 5, Lines 50-63).

Regarding claim 5, Whitaker et al. teaches a method wherein the bonding agent and the wall material are formed essentially by the same plastics material (Column 4, Lines 62-75).

Regarding claims 7 and 8, Whitaker et al. teaches a method wherein the bonding agent comprises a silicone material (Column 6, Lines 39-56) and wherein a wall material comprises a silicone material (Column 6, Lines 14-25).

2. Claims 10,11 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitaker et al. (US Patent 3,578,482) in view of Tiemann (US 3,915,087) as applied to claim 1, further in view of Bussard (US 4,852,483).

Regarding claims 10,11 and 14, Whitaker et al. and Tiemann teach the method claimed except a plurality of successive printing steps that are carried out in different

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sections of a textile material width and individual sections that do not overlap. Bussard teaches using stencils for printing steps in different sections and contours on a material that do not overlap over each other (Figures 1-22 and reference made throughout prior art). With respect to overlapping, Bussard teaches stencils that are individuals that do not require overlapping.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention as taught by Whitaker et al. to include the material width and individual sections as taught by Bussard, since Bussard teaches a cost effective method and using stencils to print an image using standard equipment (Column 1, Lines 36-60).

3. Regarding claims 15-18, Whitaker et al. and Tiemann teach the method claimed except a grid screen-printing process and grid elements of a screen-printing stencil having dimensions of approximately 0.1 to approximately 10 mm. Bussard teaches using a grid screen-printing process (element 17 and Column 2, Lines 8-12). Although, Bussard teaches a grid, the specific dimensions of the grid are not disclosed, however it should be obvious to one having ordinary skill in the art at the time the invention was made to use the specific dimensions claimed, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Whitaker et al. to

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include the mesh printing process as taught by Bussard, since Bussard uses mesh to successfully print imagery on textile products.

4. Claims 12 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitaker et al. (US Patent 3,578,482) in view of Tiemann (US 3,915,087) as applied to claim, further in view of Nakashima (US Patent 6,228,804).

Whitaker et al. and Tiemann teach the method claimed except at least one of the one or more ink comprising a mixture of different active substances and wherein a pigmented bonding agent is transparent or translucent, white and/or colored.

Nakashima teaches a pigmented ink with bonding agent that contains transparent, white and or colored properties printed through a stencil and one or more inks comprising a mixture of substances (Abstract, Column 3, Lines 55-67, Column 4, Column 10, Lines 13-53 and references made throughout patent). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to further modify the invention as taught by Whitaker et al. to include the pigmented inks as taught by Nakashima, since Nakashima the inks to modify surface properties and impart durability (Column 4, Lines 3-13).

***Allowable Subject Matter***

5. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Response to Arguments***

6. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson  
Examiner  
Art Unit 2854

*Mef*

*Charles H. Nolan, Jr.*  
*Primary Examiner*  
*Tech Center 2800*